

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION**

GREAT DANE LIMITED
PARTNERSHIP,

Plaintiff,

v.

STOUGHTON TRAILERS, LLC and
NEWCOURT, INC.,

Defendants.

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Civil Case Number 3:08-cv-89

RESTATED COMPLAINT FOR PATENT INFRINGEMENT

The Plaintiff, Great Dane Limited Partnership (“Great Dane”), files this Restated Complaint for Patent Infringement against Defendants Stoughton Trailers, LLC (“Stoughton”) and Newcourt, Inc. (“Newcourt”).

PARTIES

1. Great Dane is a limited partnership organized and existing under the laws of the State of Delaware with its principal place of business at 222 N. LaSalle Street, Chicago, Illinois 60601.

2. Upon information and belief, Stoughton is a Wisconsin corporation organized and existing under the laws of the State of Wisconsin with its principal place of business at 416 South Academy Street, Stoughton, Wisconsin 53589.

3. Upon information and belief, Stoughton transacts business in the State of Georgia and in this district.

4. Newcourt is a corporation organized and existing under the laws of the State of Texas with its principal place of business at 3200 Court Street, Texarkana, Texas 75501.

5. Upon information and belief, Newcourt transacts business in the State of Georgia.

JURISDICTION

6. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code, among others, Section 271 entitled "Infringement of Patent" and 35 U.S.C. §§ 281-285.

7. This Court has jurisdiction over the subject matter of the patent infringement claims pursuant to 28 U.S.C. §§ 1331 and 1338(a). Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and (c) and 1400.

8. This Court has personal jurisdiction over Stoughton because Stoughton transacts business in this judicial district and by its acts has caused and continues to cause Great Dane injury in this judicial district.

9. Newcourt is joined as a Defendant in this action pursuant to Rule 20(a)(2). This Court has personal jurisdiction over Newcourt because Newcourt transacts business in this State and because of Newcourt's joinder in this action.

PATENT INFRINGEMENT

10. Great Dane owns all of the rights and interest in United States Patent Nos. 6,652,018 ("the '018 Patent"), and 6,923,493 ("the '493 Patent"), (collectively, the "Patents In Suit"). True and accurate copies of the '018 Patent and the '493 Patent are attached hereto as Exhibits "A" and "B" respectively.

THE '018 PATENT

11. The '018 Patent was duly and legally issued by the United States Patent and Trademark Office on November 25, 2003.

12. Great Dane owns all rights and interest in, and is the assignee of, the '018 Patent, entitled Trailer With Side Wall Having Laminate Panel.

13. Stoughton is infringing the '018 Patent by making, using, selling, or offering for sale in the United States, products and/or services embodying the patented inventions claimed in the '018 Patent.

14. Newcourt is infringing the '018 Patent by making, using, selling, or offering for sale in the United States, products and/or services and/or components of products and/or services embodying the patented inventions claimed in the '018 Patent.

15. The Defendants are infringing the '018 Patent literally, under the doctrine of equivalents, and jointly with each other and/or other entities, by importing into the United States, and/or making, using, selling, or offering for sale products and/or services or components of products and/or services embodying the patented inventions claimed in the '018 Patent without authority.

16. Upon information and belief, Defendants are actively, intentionally, and/or knowingly inducing or contributing to infringement of the '018 Patent by others.

THE '493 PATENT

17. The '493 Patent was duly and legally issued by the United States Patent and Trademark Office on August 2, 2005.

18. Great Dane owns all rights and interest in, and is the assignee of, the '493 Patent, entitled Trailer With Side Wall Having Laminate Panel.

19. Stoughton is infringing the '493 Patent by making, using, selling, or offering for sale in the United States, products and/or services embodying the patented inventions claimed in the '493 Patent.

20. Newcourt is infringing the '493 Patent by making, using, selling, or offering for sale in the United States, products and/or services embodying the patented inventions claimed in the '493 Patent.

21. The Defendants are infringing the '493 Patent literally, under the doctrine of equivalents, and jointly with each other and/or other entities, by importing into the United States, and/or making, using, selling, or offering for sale products and/or services embodying the patented inventions claimed in the '493 Patent without authority.

22. Upon information and belief, Defendants are actively, intentionally, and/or knowingly inducing or contributing to infringement of the '493 Patent by others.

DEFENDANTS' INFRINGEMENT

23. Upon information and belief, Defendants' infringement of the '018 and '493 Patents is willful and deliberate, making this case exceptional within the meaning of 35 U.S.C. § 285 and justifying treble damages pursuant to 35 U.S.C. § 284.

24. Upon information and belief, Defendants will continue to infringe the '018 and '493 Patents, causing immediate and irreparable harm unless this Court enjoins and restrains Defendants' activities.

25. Upon information and belief, the infringement by Defendants have and will deprive Great Dane of sales, profits, and other related revenue which Great Dane would have made or would enjoy in the future, has injured Great Dane in other respects, and will cause Great Dane added injury and damage, including loss of sales, profits, and other related revenue in the future unless Defendants are enjoined from infringing the '018 Patent and the '493 Patent.

PRAYER FOR RELIEF

WHEREFORE, Great Dane respectfully requests this Court enter judgment in its favor, and against Defendants Stoughton Trailers, LLC and Newcourt, Inc. as follows:

(a) That U.S. Patent Nos. 6,652,018 and 6,923,493 are valid, enforceable, and infringed by the Defendants;

(b) A permanent injunction against Defendants enjoining them, their directors, officers, agents, employees, successors, subsidiaries, assigns, and all persons acting in privity or in concert or participation with Defendants from making, using, selling, or offering for sale in the United States, or importing into the United States, any and all products and/or services embodying the patented inventions claimed in the '018 and '493 Patents;

(c) Awarding such damages to Great Dane to which it is entitled;

(d) Awarding enhanced damages for willful infringement;

(e) Awarding Great Dane pre-judgment and post judgment interest as allowed by law;

(f) Awarding Great Dane its costs, expenses, and fees, including reasonable attorneys' fees pursuant to 35 U.S.C. § 285; and

(g) Awarding such other relief as the Court deems just and proper.

JURY DEMAND

Great Dane demands trial by jury on all issues in this case other than its request for injunctive relief.

This 20 day of November, 2008.

Respectfully submitted,

HUNTER, MACLEAN, EXLEY & DUNN, P.C.

s/John M. Tatum

John M. Tatum

Georgia State Bar Number 699000

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Partnership

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